



KENTUCKY EMERGENCY RESPONSE COMMISSION

Kentucky Emergency Management Agency

BIMONTHLY
NEWSLETTER

ISSUE 5

APRIL 2019

Recent Policy Approvals:

- *No New Policies*

LEPC Form or KERC Approved List Updates:

- *No Updates*

KERC Notifications:

KERC administrative staff will send all LEPC Forms, KERC Approved Lists, and KERC Policies in an email with attachments for documentation of transaction.

Q&A:

Question- Can LEPC funds be used to purchase PEAC Software?

Answer– As it stands right now, there is no set condition of approval or disapproval toward PEAC Software. The KERC will review a PEAC Software request, as well as any other software request, on a case by case basis. A LEPC interested in purchasing PEAC Software must present a detailed estimate of cost for the software from Aristatek, and an investment justification for the product describing how the software will be used in planning for the LEPC.

LEPC purchases must follow the guidelines of KERC Policy 003-2018– Policy on LEPC Procurement. (See attached)

Note: Negotiations are still underway for a state funded Tier II/EHS Planning program. The program provided will have Valuable Zone (VZ) quadrant mapping capabilities available. The program will be required for use by LEPCs for EHS Plans once purchased and training has been conducted. There will be no cost to LEPCs for the program.

KERC Contacts:

Tiffany Sizemore

KERC Program Manager

502-607-5770

tiffany.r.sizemore.nfg@mail.mil

Connie Estill

LEPC Program Coordinator

502-607-5732

connie.g.estill.nfg@mail.mil

Jessica Miller

Extremely Hazardous Substance Planner

502-229-4780

jessica.l.miller263.nfg@mail.mil

KENTUCKY EMERGENCY RESPONSE COMMISSION

Notes from the March KERC Meeting:

- The Tier II submitting window closed on March 1. There is a \$250 late fee for **ALL** facilities who file Tier II Reports after the March 1st filing deadline. There are **NO** exemptions to this fee, so Category 1 facilities who file late will also be subject to the fee. Please share this information with your Tier II facilities.
- Any changes made to the appointed members, prior to their expiration date, will be submitted to Tiffany Sizemore, KERC Program Manager. Newly identified submission will be reviewed and approved by the KERC at the next scheduled KERC meeting.
- The Tier II fund splits will be voted on at the May 15, 2019 KERC meeting.
- All LEPCs should be working on their EHS Facility Emergency Response Plans. The state began a two year plan update in April 2018 with benchmarks to meet along the way. The benchmarks were designed to help LEPCs with numerous plans disperse the work over the two year period. All EHS Plans are due and should be KERC approved by July 2019.
- Eligible LEPCs will be notified of the amount of their 2019 allotment after the May KERC meeting. Detailed Budgets will be due June 1st. Please be thinking about how your LEPC should be spending funds in the upcoming year.
- The KERC Legislative Committee has submitted KAR Re-Writes to the Kentucky Legislative Research Commission (LRC). A public comment hearing was set for Thursday March 21, 2019 at 1:00pm in the State EOC. There were no notifications of intent to be heard, so the hearing was canceled. Once the amendments are approved by the committee, they will be effective.

KERC Meeting Minutes: To request a copy of KERC meeting minutes, email Tiffany Sizemore at tiffany.r.sizemore.nfg@mail.mil. Minutes must be approved by the KERC before release.

NOTE: KAR re-writes have been approved through LRC. The LEPC documentation deadlines on page 3 of this newsletter are effective for the 2019 Grant Year. The next issue of the KERC Newsletter will have information regarding the LEPC documentation deadlines for future grant cycles.

Upcoming KERC Meeting Dates:

Wednesday, May 15, 2019 at 10:00am
On-Site Registration begins at 9:00am
Subcommittee meetings begin at 9:30am
Kentucky Exposition Center
937 Phillips Lane
Louisville, KY 40209



KENTUCKY EMERGENCY RESPONSE COMMISSION



LEPC Documentation Deadlines:

January

- No later than January 31, publish public information on committee activities entitled "Public (Legal) Notice Advertisement"

****Note:** LEPCs must meet at least twice per year (once if no EHS in the planning district) and upload meeting minutes to the Kentucky LEPC Dashboard with thirty (30) days of the meeting.

February

- No later than February 28, in the Kentucky LEPC Dashboard, upload a photocopy of the "Public (Legal) Notice Advertisement" published. The name and the date of the newspaper must be clearly shown.

March

- Facilities must submit by March 1: 1) Their annual Tier II Reports; AND 2) A Facility Annual Certification Letter (FACL)

****Note:** The FACL must state: 1) There are no changes to the EHS Plan; OR 2) The EHS Plan has been revised and the revisions are included with the FACL.

April

- No later than April 1, review the EHS Facility Emergency Response Plans and fill out an Annual Certification Letter (ACL) in the Kentucky LEPC Dashboard stating: 1) There were no changes; OR 2) The plan has been revised and revisions are included with the ACL.
- Fill out the LEPC Grant Application in the Kentucky LEPC Dashboard. Print, sign, and upload the application.
- Upload documentation of expenditures, bank statements, and the LEPC Bank Ledger in the Kentucky LEPC Dashboard. Invoices and receipts should be uploaded with bank statements for the timeframe the money was spent. All bank statements should be uploaded individually.

June

- No later than June 1, fill out the LEPC Detailed Budget in the Kentucky LEPC Dashboard identifying how the funds requested on the LEPC Grant Application are to be spent.

July-August

- The KERC Fee Account Grant Fund Contract will be emailed to all eligible LEPCs. Print, sign required pages, and mail the contract to the LEPC Program Coordinator.

September

- No later than September 15, the KERC will make the KERC Fee Account Grant awards.

December

- No later than December 1, in the Kentucky LEPC Dashboard, update the LEPC Membership List and LEPC Membership Cover Page. Name, agency, email address, and phone number should be entered for all members.
- No later than December 1, in the Kentucky LEPC Dashboard, upload the LEPC Bylaws, with certification stating: 1) There were no changes; OR 2) The LEPC Bylaws have been revised and the revisions are included. Bylaws or certification must be signed and dated by the Chair of the LEPC each year.
- No later than December 1, in the Kentucky LEPC Dashboard, update the LEPC Personal Property Inventory for all items valued over \$500.



Upcoming KERC Approved Trainings and Conferences:

No new KERC approved trainings have been posted as this time.

****Note:** If you would like to attend a training you feel would be beneficial to your LEPC that is not listed on the KERC Approved Training List, email a request to the KERC Program Manager. The request will be forwarded to the KERC Information and Training Committee to be reviewed for approval at the next scheduled KERC meeting. If KERC approval is granted, the training will be added to the KERC Approved Training List.

Who We Are:

Kentucky adopted the Emergency Planning and Community Right-to-Know Act (EPCRA) into law through [Kentucky Revised Statutes \(KRS\) 39E](#) and the Kentucky Administrative Regulations (KAR) found in [106 KAR Chapter 1](#). EPCRA requires that every State have a State Emergency Response Commission (SERC). In Kentucky, the SERC is known as the Kentucky Emergency Response Commission (KERC).

The KERC was established to:

- Implement all provisions related to hazardous substances;
- Develop policies related to the response of state and local governments to releases of hazardous substances;
- Develop standards for planning for these events;
- Develop reporting requirements for hazardous substances;
- Provide information to the public concerning hazardous substances in the community;
- Develop training requirements; and
- Develop requirements for local governments and covered facilities to exercise plans related to hazardous substance response.

For more information on the laws and regulations governing the implementation of EPCRA in Kentucky, consult KRS 39E and 106 KAR Chapter 1 at the Kentucky Legislature website at <http://www.lrc.ky.gov/law.htm>.